

Message Text

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PAGE 01 STATE 269442
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C O N F I D E N T I A L STATE 269442

FOR AMB RICHARDSON LOS DELEGATION

FOLLOWING REPEAT DAR ES SALAAM 04476 SENT ACTION SECSTATE INFO
USUN NEW YORK NOV 08.

QUOTE C O N F I D E N T I A L DAR ES SALAAM 4476

FOR AMBASSADOR RICHARDSON FROM AMBASSADOR SPAIN

E.O. 11652: GDS

TAGS: PLOS, TZ

SUBJECT: LOS - MESSAGE FROM ATTORNEY GENERAL WARIOBA

REF: DAR ES SALAAM 4401

1. WARIOBA ACCEPTED MY OFFER TO PASS HIS REPLY TO YOU VIA OUR
CABLE FACILITIES. FOLLOWING IS TEXT OF HIS LETTER DATED NOV. 5.

2. BEGIN TEXT. DEAR MR. AMBASSADOR, I HAVE, THROUGH AMBASSADOR
SPAIN, RECEIVED YOUR LETTER OF NOVEMBER 1ST AND YOUR TESTIMONY
OF OCTOBER 4TH. I HAVE READ BOTH OF THEM WITH KEEN INTEREST AND
I SHALL TRY TO RESPOND TO A FEW OF THE ISSUES YOU RAISED.

LET ME START WITH THE GENEVA MEETING. I RECEIVED THE INVITATION
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FROM MINISTER EVENSEN IN LATE OCTOBER. I WROTE TO MINISTER
EVENSEN STATING THAT I WOULD NOT BE ABLE TO ATTEND BECAUSE THE
INVITATION HAD COME TOO LATE TO FIT INTO SCHEDULE. WE HAVE
ALWAYS MADE THE POINT THAT THESE INTER-SESSIONAL MEETINGS ARE
ARRANGED WITHOUT ADEQUATE CONSIDERATION OF THE PROBLEMS OF
DEVELOPING COUNTRIES. CONSULTATIONS TAKE PLACE AMONG A FEW
DELEGATIONS AND DECISION IS TAKEN ON THE ISSUES TO BE DISCUSSED,

THE VENUE AND THE DATE. THE REST OF US ARE SIMPLY INFORMED OF THE FACT AND INVITED TO PARTICIPATE. WE ARE INCREASINGLY BECOMING UNEASY ABOUT THIS PROCEDURE. DOUBTS ARE CROPPING UP INTO OUR MINDS AS TO WHETHER EFFECTIVE PARTICIPATION IS INTENDED OR WHETHER IT IS INTENDED TO ASSOCIATE US WITH PRE-DETERMINED TRENDS.

MY SECOND RESERVATION WAS THE CRITERIA USED TO DETERMINE WHO WOULD PARTICIPATE AT GENEVA. WE NOTED PARTICULARLY THE EXCLUSION OF PAUL ENGO. MINISTER EVENSEN WROTE BACK TO CLARIFY THIS ISSUE. HE ARGUED THAT PAUL ENGO AND PRESIDENT AMARESINGHE HAD BEEN EXCLUDED IN ORDER TO LEAVE THEM WITH A FREE HAND. I AM NOT SATISFIED WITH THIS ARGUMENT. THE GROUP HAS DISCUSSED SEVERAL IMPORTANT ISSUES SINCE 1974 AND EVERY TIME THE RESPECTIVE CHAIRMEN WERE INVITED BY MINISTER EVENSEN. WE DO NOT YET UNDERSTAND WHY ENGO HAS BEEN TREATED DIFFERENTLY, PARTICULARLY SO WHEN HIS PERSON IS UNDER ATTACK. IN ANY CASE THE IDEA IS TO MODIFY THE CONFERENCE PROCEDURE. HOW THEN CAN WE DETERMINE BEFORE HAND THAT HE WILL HAVE A FREE HAND IF THE RESULT OF ACTING FREELY IS UNDER ATTACK?

DURING ONE OF THE CASTANEDA GROUP MEETINGS I STATED OUR RESERVATIONS ABOUT THE WORK OF SUCH GROUPS. WE ARE ALMOST CONVINCED THAT THESE GROUPS HAVE CEASED TO REFLECT THE CONFERENCE INTERESTS. THE COMPOSITION ON PAPER APPEARS TO REFLECT THE VARIOUS INTEREST GROUPS BUT THE BASIS OF SELECTION, THE ORGANIZATION AND THE END RESULT ALWAYS REFLECT THE INTERESTS OF PARTICULAR CONFIDENTIAL

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GROUPS. THE VIEWS OF OTHER GROUPS ARE EITHER INTENTIONALLY OR UNINTENTIONALLY OVERLOOKED. I PERSONALLY KNOW THE GOOD INTENTIONS OF MINISTER EVENSEN BUT I SERIOUSLY QUESTION WHETHER THE PROCEDURES OF HIS MEETINGS ARE STILL RELEVANT. THEY SHOULD BE LOOKED AT AND MODIFIED.

WITH REGARD TO THE PROCEDURE TO BE USED AT THE 7TH SESSION, I HAVE NOTED THE POINTS YOU MENTIONED. I AM HOWEVER DOUBTFUL WHETHER IT WOULD HELP THE PRESIDENT TO SIT WITH THE CHAIRMEN.

THE CHAIRMEN HAVE HAD THEIR OPPORTUNITY AND IT IS NOW TIME FOR THE CONFERENCE TO REVERT TO PLENARY, WHETHER OF THE COMMITTEES OR THE CONFERENCE AS A WHOLE. IN 1973 AND 1974 TANZANIA DELEGATION POINTED OUT TO THE CONFERENCE THE PROBLEMS THAT WOULD BE CAUSED BY THE RULES OF PROCEDURE. AT THAT TIME WE APPEARED TO BE UNNECESSARILY DIFFICULT. WHAT WE SAID THEN HAS COME TRUE AND NOW THE CONFERENCE IS TRYING TO EVADE ITS OWN RULES OF PROCEDURE. IF WE ARE GENUINE LET US GO BACK AND MODIFY THE RULES OF PROCEDURE. IT WILL NOT HELP FOR THE PRESIDENT TO ASK FOR A CRITIC OF DELEGATIONS AND MAKE HIS OWN FORMULATIONS. IF HE DOES THAT ONLY A FEW DELEGATIONS, MOSTLY FROM DEVELOPED COUNTRIES, WILL RESPOND AND HIS FORMULATIONS WILL BE QUESTIONED IN PLENARY. IF THAT

HAPPENS THE PRESIDENT WILL LOSE THE CONFIDENCE OF THE CONFERENCE.
HE HAS NO ALTERNATIVE, THEREFORE, EXCEPT TO GET THE FEELING OF
THE CONFERENCE IN PLENARY BEFORE HE ATTEMPTS ANYTHING.

YOU HAVE POINTED OUT THAT THE ICNT SEABED SECTION WAS FORMULATED
WITHOUT ADEQUATE CONSULTATIONS. I WONDER WHICH SECTION CAN BE
SAID TO HAVE BEEN SUBJECT TO FAIR CONSULTATIONS. THERE ARE
VARIOUS MATTERS IN THE SECOND COMMITTEE WHICH HAVE BEEN IMPOSED
ON US AND OTHERS, IN WHICH WE ARE KEENLY INTERESTED, HAVE BEEN
COMPLETELY IGNORED. IF THERE IS A SERIOUS MOVE TO SUBSTITUTE
THE SEABED SECTION WITH THE EVENSEN FORMULATIONS, THERE IS A
POSSIBILITY OF UPSETTING THE ENTIRE ICNT. THAT WILL BE A REAL
STEP BACKWARD.

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ALARMED AS I AM AT THE PRESENT TREND, I HAVEN'T GIVEN UP HOPE.
I KNOW WE HAVE REACHED A CRUCIAL POINT IN THE NEGOTIATIONS. THE
BALANCE BETWEEN FAILURE AND SUCCESS IS VERY DELICATE. I PERSONALLY
BELIEVE WE COULD REACH A COMPROMISE ON ISSUES OF SUBSTANCE IF
WE USE THE RIGHT PROCEDURES.

IT IS NOT THE SUBSTANCE OF THE ISSUES THAT WILL IMPEDE PROGRESS
BUT RATHER THE POLITICAL SENSITIVITIES OF INTEREST GROUPS.
UNLESS EVERY GROUP IS ACCOMMODATED WE RUN THE DANGER OF FAILURE.
IT IS THEREFORE IMPORTANT TO KEEP THIS IN MIND WHEN WE WORK OUT
NEW PROCEDURES. DESPITE OUR NON-ATTENDANCE I HOPE THE GENEVA
MEETING WILL BEAR THIS IN MIND.

WITH WARMEST REGARDS, YOURS SINCERELY, (J.S. WARIOBA)
ATTORNEY GENERAL. END TEXT.

3. ORIGINAL OF WARIOBA LETTER IS BEING POUCHED TO YOUR OFFICE.
SPAIN UNQUOTE VANCE

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NNN

Message Attributes

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